

MR2549-65

Serial Number: 10/743,798

Reply to Office Action dated 13 April 2005

**REMARKS**

This case has been carefully reviewed and analyzed in view of the Office Action dated 13 April 2005. Responsive to the Office Action, Claims 1-5 are amended for further prosecution.

At the outset, certain typographic and idiomatic informalities were noted in the Title by the undersigned Attorney. The Title is amended hereby to remove these informalities, in the interest of clarity.

In the Office Action, the Examiner objected to the Abstract of the Disclosure for containing an improper character. The Abstract is accordingly corrected to remove this informality as well as certain other grammatic/idiomatic informalities incidentally noted therein.

Also in the Office Action, the Examiner objected to Claims 1 and 2 for containing certain informalities. The Examiner additionally rejected Claims 1-5 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. The amendments incorporated into the Claims now remove the informalities noted by the Examiner, including those set forth under 35 U.S.C. § 112, second paragraph. The amendments also remove from Claim 2 readily apparent redundancies in recitations given its dependency from Claim 1.

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The Examiner rejected Claims 1 and 5 under 35 U.S.C. § 102(b) as being anticipated by the Jen reference. The Examiner further rejected Claims 1, 2, and 5 under 35 U.S.C. § 103(a) as being unpatentable over the Liang reference in view of Jen. In setting forth the latter rejection, the Examiner acknowledged that Liang fails to disclose a support portion, but cited Jen for teaching such feature. From this, the Examiner concluded that it would have been obvious to one skilled in the art to have provided the fastening latch of Liang with a support portion, so as to prevent its further downward movement.

As for Claims 3-4, the Examiner merely objected to them for being dependent upon a rejected base claim. The Examiner indicated that these Claims would be allowable if rewritten in independent form to include all of the limitations of the base and any intervening claims. Accordingly, Claims 3 and 4 are each now amended to independent form, incorporating the subject matter of their respective base and intervening claims. It is respectfully submitted, therefore, that Claims 3 and 4 are now in allowable form.

Independent Claim 1 is also now amended to more clearly recite a stapling gun including among its combination of features a top seat and a top cover mounted on that top seat, as well as a fastening latch pivoted on the top cover. The stapling gun also includes among its combination of features the top seat being "provided with at least two retaining portions," wherein "at least one of said retaining portions defines both a retaining slot for receiving ... [a] retaining

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portion of said top cover, and a hooking portion for engaging ... [a] retaining ring of said fastening latch," as newly-amended independent Claim 1 also now more clearly recites.

The full combination of these and other features now more clearly recited by Claim 1 is nowhere disclosed by the cited references. Note in this regard that the hooking lugs 21 of Jen correlated by the Examiner with the retaining portions of Applicant's top seat serves exclusively to engage the clasper 42 of Jen's latch unit 40. Similarly, Liang's hooks 22 serve simply to pass through the openings 230 of the member 23 for engaging the locking ring 25. Thus, neither of the cited references discloses on a top seat any retaining portion which "defines both a retaining slot for receiving said retaining portion of said top cover, and a hooking portion for engaging said retaining ring of said fastening latch," as newly-amended independent Claim 1 now more clearly recites.

It is respectfully submitted, therefore, that the cited Jen and Liang references, even when considered together, fail to disclose the unique combination of elements now more clearly recited by Applicant's pending Claims for the purposes and objectives disclosed in the subject Patent Application.

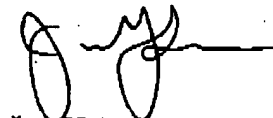
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It is now believed that the subject Patent Application has been placed fully  
in condition for allowance, and such action is respectfully requested.

Respectfully submitted,  
For: ROSENBERG, KLEIN & LEE



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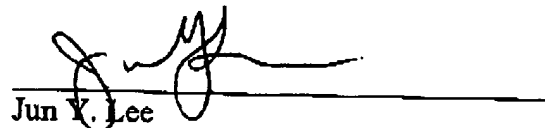
Dated: 7/13/2005

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Jun Y. Lee